

May 17, 1999

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **L98P0011**

AUTUMN MEADOWS
Preliminary Plat Application

Location: On the southwest corner of the intersection of 212th Avenue
Southeast, and Southeast 34th Street

Property Owner: **Dennis M. Brown**
8101 East 124th Street
Puyallup, WA 98373

Applicant: **G. Wayne Potter**
Barghausen Consulting Engineers
18215 - 72nd Avenue South
Kent, WA 98032

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions
Examiner's Decision:	Approve, subject to conditions

PRELIMINARY MATTERS:

Application or petition submitted:	February 26, 1998
Complete application:	March 26, 1998

EXAMINER PROCEEDINGS:

Pre-Hearing Conference:	March 9, 1999
Hearing Opened:	April 28, 1999
Hearing Closed:	April 28, 1999

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED:

- steep slopes
- setbacks
- buffers
- sensitive areas
- density

SUMMARY:

Subdivision granted preliminary approval with additional steep slopes setback standards that reflect SEPA appeal settlement.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. **General Information:**

Owner/Developer:	Novastar Development Inc. 18215 – 72 nd Avenue South Kent, Washington 98035
Engineer:	Barghausen Consulting Engineers 18215 72 nd Avenue South Kent, Washington 98035
Location:	On the southwest corner of the intersection of 212 th Avenue Southeast, and Southeast 34 th Street
STR:	8-24-6
Zoning:	R-6
Acreage:	9.45 acres

Number of Lots:	35
Density:	6 dwelling units per acre
Lot Size:	Ranging from 4,646 to 7,000 square feet
Proposed Use:	Detached Single Family Residence
Sewage Disposal:	Sammamish Plateau Sewer and Water District
Water Supply:	Sammamish Plateau Sewer and Water District
Fire District:	Issaquah #10
School District:	Issaquah School District
Complete Application Date:	March 26, 1198

2. **Proposal.** Novastar Development Incorporated (the “Applicant”) proposes to subdivide a 9.45 acre parcel into 35 single family residential building lots, achieving a proposed density of 6 dwelling units per acre. Proposed lot sizes range from approximately 4,646 to 7,000 square feet.
3. **State Environmental Policy Act.** On January 27, 1999, the Department of Development and Environmental Services (“DDES” or the “Department”) issued a Threshold Determination of Non-Significance for the proposed development. The Department issued its determination based on its review of the proposed development, surroundings, and a variety of pertinent environmental documents. In doing so, the Department has concluded that the proposed development would not cause probable significant adverse impact upon the environment, and therefore, an Environmental Impact Statement need not be prepared.

On February 10, 1999, Ninette G. Barr filed timely appeal from the Threshold Determination. However, based upon an agreement between the Appellant and the Applicant, that appeal was withdrawn on April 4, 1999. The contents of that agreement are not, and need not be, included in this hearing record. However, it may be noted that Revised Preliminary Plat drawing entered as Exhibit No. 7 in this hearing record is a key product of that settlement. It now constitutes the Applicant’s Revised Preliminary Plat drawing.

4. **Department Recommendation.** In its final recommendation, the Department deletes the final two sentences of recommended Condition No. 8E; and adjusts the lot number references contained in that recommendation. The revised recommended Condition No. 8E reads as follows:

Tract D shall be designed as a private access tract, serving proposed lot numbers 24 and 25. These lots shall have undivided ownership of the tract and be responsible for its maintenance.

In response to concerns raised by Ms. Barr, the Department revises recommended Condition No. 15A to read as follows:

The area of 40% slopes and associated 10-foot buffer shall be placed in a separate tract (Sensitive Areas Tract-SAT). The building setback line shall be as established and shown by Exhibit No. 7.

Recommended Condition No. 16 states standard language to be shown on the final engineering plan and recorded plat. It addresses “restrictions for Sensitive Areas Tracts and Sensitive Areas Buffers.” The Department does not object to changing the last line of that standard notice (in the case of Autumn Meadows) to read as follows:

No building foundations are allowed beyond the required setback lines unless otherwise provided by law.

In all other regards, recommended Condition Numbers 1 through 20 as stated on pages 7 through 11 of the Department’s Preliminary Report to the Hearing Examiner dated April 28, 1999 (Exhibit No. 2) remain unchanged in the Department’s final recommendation.

5. **Applicant’s Response.** The Applicant accepts the Department’s recommendation as described in Finding No. 4, preceding.
6. **Hearing Testimony.** Ms. Barr provided testimony which resulted in the Sensitive Areas protection changes described in Finding No. 4, above. In addition, Ms. Barr still expresses concern regarding the overall density allowed by the zoning, and expresses concern regarding the adequacy of erosion and sedimentation control measures to be required of this proposed development. Mr. Mike Miller, representing Pacific Properties, indicated that his company is negotiating with the Applicant to develop and build the subject property and that they, too, agree with the staff report. He notes, further, that the building setback line must be appropriately fenced/demarcated with such markings to remain in place until construction is complete.
7. **Department report adopted.** Except as noted above, the facts and analysis contained in the Land Use Services Division Preliminary Report dated April 28, 1999 are correct and are incorporated here by reference. A copy of the Land Use Services Division report will be attached to those copies of the examiner's report which are submitted to the King County Council.
8. Any portion of any of the following conclusions which may be construed as a finding is incorporated herein by reference.

CONCLUSIONS:

1. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
2. If approved subject to the conditions recommended below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreations, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and it will serve the public use and interest.
3. The conditions for final plat approval recommended below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.

4. The dedications of land or easements within and adjacent to the proposed plat, as recommended by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonable and necessary as a direct result of the development of this proposed plat.

If any portion of the above findings is construed to be a conclusion it shall be deemed adopted as such.

DECISION:

The proposed plat of Autumn Meadows, DDES File No. L98P0011, as represented by Exhibit No. 7 of this hearing record (Revised Preliminary Plat Drawing dated April 13, 1999) is GRANTED preliminary approval, subject to the conditions of final plat approval stated on pages 7 through 11 of the DDES Preliminary Report to the Examiner dated April 28, 1999 (Exhibit No. 2); EXCEPT for the following changes:

- A. **Condition No. 8e.** Tract D shall be designed as a private access tract serving proposed lots 24 and 25. These lots shall have undivided ownership of the tract and be responsible for its maintenance.
- B. **Condition No. 15a.** The area of 40% slopes and associated 10-foot buffer shall be placed in a separate tract (sensitive area tract-SAT). A building setback line shall be established as shown in Exhibit No 7.
- C. **Condition No. 16, last paragraph.** No building foundations are allowed beyond the required setback lines unless otherwise provided by law.

ORDERED this 17th day of May, 1999.

R. S. Titus, Deputy
King County Hearing Examiner

TRANSMITTED this 17th day of May to the parties and interested persons shown on the attached list.

-ATTACHMENT-

Bill and Kazuko Acar
Debra Anderson
Lee Andrews
Lori & Curtis Barnett
Ninette Barr
Jack & Jennifer Bauer
Joseph Beer
Robert Brady
Les Brisbois
Dennis M Brown
Jerald J Brown
Timothy R Brown
Michelle & Jeff Brunner
Joanna Buehler
Lou Giopal & Michelle Bunn
Anita Burkholder
Jon & Donna Carlson
Kyle & Evelyn Coffey
Neal Cohen
Richard A. Cook
Ann Crabtree
Craig Dickson
Roger Dorstad
Vali Eberhardt
Kathy Edens
Becky Edwards
Tom & Sharon Endres
Jeanne Erdahl
Matthew & Heide Felton
Evelyn Ferrier
Wendy & William French
Michael & Rhonda Gallagher
Lee & Mary Geil
John & Debra Gibbons
Rick Gibbons
Frank Goshen
Bill Hamilton
Judith Hamilton
Scott Hamilton
Nancy Hansen

Tom & Jeanne Harman
Kathy Hennessy
Nancy Herrig
Lori Hill
Mark Hinthorne
Terence Huang
Alan Huibregtse
Graham Hunter
James & Therese Hutchins
Robert Inness
Cris Irons
David & Janet Irons
Gavin & Tari Jancke
Jim & Mary Kaye Johnston
James Jordan
John & Cathy Kaschko
Bob & Shannon Keller
King Conservation District
Daria Kurkij
Eleanor Moon
Dan & Audrey Oxley
Pacific Motion
Dorothy & Ed Parker
Tom Perricone
Raymond & Joan Petit
Doug & Andrea Phillips
Charlene & Larry Plympton
Wayne Potter
Nick & Suzy Repanich
Mara Rigel
Larry Ritter
Richard Rollman
Helen & Jesse Rondestvedt
Dwight & Mary Roof
Jeff Roush
Robert & Margaret Rowe
Nancy Ryan
Dennis Saltys
Alfred & Vivian Sauerbrey
Deb Schaefer

Caroline Schultz
Seattle-King County Health Dept
Earl H Shepherd
Penny Short
Steve Skelepovich
James H Smith
Patty & Greg Smith
Mary & Tom Spencer
Ilene Stahl
Brian & Sharon Steinbis
Wayne Stewart
Rhonda & Bill Strelke
Randi Sullivan
John & Merilee Tafoya
Eric Tingstad
Meg & Paul Tookey
Jim & Nancy Totton
Helen Towers
Alfred Tsang
John D Ulrich
Van Dawark, J
D.L. Vittetoe
Janet Wall & Ruth Morgan
Victoria Ward
John & Kathy Wayland
Clinton Webb
John Wertheimer
Cory & Mary Lou Wolfe
Troy & Susan Woller
Greg Borba
Steve Bottheim
Laura Casey
Kim Claussen
Pete Dye
Dick Etherington
Kristen Langley
Carol Rogers
Steven C. Townsend
Caroline Whalen